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14 **UNITED STATES DISTRICT COURT**
15 **NORTHERN DISTRICT OF CALIFORNIA**
16 **SAN JOSE DIVISION**

16 JOSEPH TAYLOR, EDWARD MLAKAR,
17 MICK CLEARY, and EUGENE ALVIS,
18 individually and on behalf of all others
similarly situated,

19 Plaintiffs,

20 v.

21 GOOGLE LLC,

22 Defendant.

Case No. 5:20-cv-07956-VKD

**DECLARATION OF WHITTY
SOMVICHIAN IN SUPPORT OF L.R.
6-2 STIPULATED REQUEST TO
EXTEND OMNIBUS MOTION TO
SEAL DEADLINE AND [PROPOSED]
ORDER**

Judge: Hon. Virginia K. DeMarchi

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1 I, Whitty Somvichian, declare and state as follows:

2 1. I am an attorney licensed to practice law in the State of California and am a partner
3 at Cooley LLP. I am counsel for Defendant Google LLC (“Google”) in this matter. I make this
4 declaration based on my personal knowledge and, if called as a witness, I could and would testify
5 competently to the matters stated herein.

6 2. Counsel for Plaintiffs and Google in this matter are concurrently handling the *Csupo*
7 *v. Google LLC* matter in Superior Court in Santa Clara County, which raises materially the same
8 claims at issue in this litigation but on behalf of a California class (“*Csupo*”).

9 3. Over the course of this case, the Parties have had to negotiate extensions to the
10 schedule to ensure that it interlocks fairly and efficiently with relevant deadlines in *Csupo*, so that
11 neither side is prejudiced by deadlines in the other case, and both cases could proceed efficiently.

12 4. The Parties have since continued to actively litigate both the *Csupo* case and this
13 case, and have continued to make significant progress on multiple fronts, including (1) filing
14 *Daubert* motions and opening class certification briefing and completing mediation in this matter,
15 and (2) in the *Csupo* matter, completing briefing on summary judgment, supplemental class
16 certification, decertification, and expert challenge motions, while also preparing for the upcoming
17 June 2, 2025 trial.

18 5. The Parties have endeavored to act with diligence and to keep existing deadlines in
19 this case, and pursuant to those deadlines, have exchanged expert reports, filed briefing on class
20 certification issues, filed *Daubert* motions, and conducted expert depositions.

21 6. On March 11, 2025, this Court granted a stipulation setting a case schedule for
22 Google’s Omnibus Motion to Seal, where Google will file a single, omnibus motion to seek to seal
23 materials filed in connection with Plaintiffs’ motion for class certification (including any
24 opposition, reply, or other filings related to that motion) and any expert challenge motions filed on
25 March 11, 2025 by either party (including any oppositions, replies, or other filings related to those
26 motions) (collectively, the “Materials”) (ECF No. 166);

27 7. Based on that Order, Google’s current Omnibus Motion to Seal is due on May 21,
28 2025,

8. Since then, on April 9, 2025 this Court granted a stipulation extending case deadlines associated with the Materials in connection with Google's Omnibus Motion to Seal and briefing will now not be completed until July 8, 2025;

9. In order to have Google's Omnibus Motion to Seal cover all the Materials at issue, the Parties jointly agree that extending the associated deadlines with Google's Motion to Seal is warranted;

10. The Parties have agreed to extend the deadline for Google's Omnibus Motion to Seal from May 21, 2025 to July 16, 2025;

11. The Parties have agreed to extend the deadline for Plaintiffs' opposition to Google's Omnibus Motion to Seal, if any, from July 9, 2025 to July 30, 2025;

12. The Parties have agreed to extend a reply in support of Google's Omnibus Motion to Seal, if any, from July 30, 2025 to August 20, 2025.

13. The Parties jointly agree that good cause exists to modify the case schedule as set forth above, including because: (1) the Parties have endeavored to exercise diligence in adhering to case deadlines, including in holding expert depositions within the current schedule; (2) the schedule in the current case for materials that initially fell under the stipulated Omnibus Motion to Seal have changed; (4) the Parties have negotiated extensively regarding the issues driving this request and have made every effort to resolve any underlying disputes without Court intervention; (5) the requested extensions will not impact the trial date set in this case; and (6) the requested extensions are in the interests of both Parties, and the just and efficient progress of this matter, and are critical to the Parties' ability to present the most helpful briefing and presentations to this Court.

14. The Parties stipulate and agree that the following revisions should be made to the case schedule:

Event	Current Deadline	Stipulated Deadline
Omnibus Motion to Seal	May 21, 2025	July 16, 2025
Opposition to Omnibus Motion to	July 9, 2025	July 30, 2025

1	Seal, if any		
2			
3	Any reply in support of Omnibus Motion to Seal	July 30, 2025	August 20, 2025
4			

5
6 15. The Parties have acted in good faith and have exercised diligence with respect to
7 this matter.

8 16. The Parties in this dispute have requested the following time modifications in this
9 case: on May 14, 2024 and June 13, 2024, the Parties stipulated to continue a case management
10 conference due to scheduling conflicts of lead counsel, which the Court granted (ECF Nos. 85, 86,
11 90, 91); on June 11, 2024, the Parties stipulated to extend the deadline to submit the Joint Case
12 Management Statement, which the Court granted (ECF Nos. 87, 88); on July 30, 2024, the Parties
13 stipulated to extend the deadline to submit an ESI and Protective Order, which the Court granted
14 (ECF Nos. 100, 101); on October 1, 2024, the Parties stipulated to extend the mediation deadline,
15 which the Court granted (ECF Nos. 108, 109); on November 1, 2024, the Parties stipulated to a
16 new hearing date for the October 23, 2024 dispute letter due to a scheduling conflict, which the
17 Court granted (ECF Nos. 125, 126); on November 5, 2024, the parties submitted a stipulation
18 requesting an extension of the deadline to submit discovery disputes that was denied without
19 prejudice (ECF Nos. 128, 130); on November 12, 2024, the parties submitted a request for an order
20 changing the time to file a discovery dispute letter-brief concerning the Boyer Experiment, which
21 the Court granted (ECF Nos. 132, 134); on January 10, 2025, the parties submitted a stipulation
22 requesting an extension of the deadline to exchange rebuttal expert reports and to conduct expert
23 depositions, which the Court granted (ECF Nos. 161, 162); on January 24, 2025, the parties
24 submitted a request for an extension of the case schedule and trial, which the Court granted (ECF
25 Nos. 163, 164); on March 7, 2025 the parties submitted a stipulation setting a briefing scheduling
26 for sealing motion, which the Court granted (ECF No. 165, 166); on March 28, 2025, the parties
27 submitted a request to extend the deadline for expert discovery, which the Court granted (ECF Nos.
28

1 186, 187); and on April 9, 2025, the parties submitted a request to extend case deadlines, which the
2 Court granted (ECF Nos. 188, 189).

3 17. The requested time modifications will affect the schedule in this case for the
4 deadlines and dates referenced in Paragraph 14. *See* Civ. L.R. 6-2(a)(3). All other deadlines remain
5 the same, including the date for the final pre-trial conference and the trial date.

6 I declare under penalty of perjury that the foregoing is true and correct.

7 Executed on May 19, 2025, in San Francisco, California.

8
9 /s/ Whitty Somvichian
Whitty Somvichian